



Bob Riley  
Governor

## Department of Homeland Security State of Alabama



Jim Walker  
Director

March 20, 2010

James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, DC 20554

Ref: **PS Docket No. 09-14**

Dear Admiral Barnett:

This letter is in response to your request for information in reference to docket 19-14. In my capacity as 9-1-1 Coordinator for the State of Alabama, Governor Bob Riley has asked that I provide you with the requested information:

1. Under §11-98-5, Code of Alabama 1975 an emergency telephone service charge is established, that upon a vote of the citizens can be imposed by the Emergency Communications Districts (ECD) on wired lines. Also under §11-98-8, Code of Alabama 1975 a state board and service charge is established for wireless connections with a place of primary use located in the State of Alabama. These sections also outline the requirement to establish a system to answer wired and wireless (Phase I and II) 9-1-1 calls.
2. Local ECDs may impose a charge of up to 5% of the maximum tariff rate on wirelines within the district. Districts with less than 25,000 assess lines may charge a flat rate of up to \$2.00. Since ECDs are governed by a local 9-1-1 board and are not subject to any oversight from the state, I am not able to provide an amount of revenue from wireline charges. In accordance with §11-98-5(a)(2)(h) and (i) a district may expend available funds for the following reasons:
  - a. To establish a common address and location identification program and to establish the emergency service number data base to facilitate efficient operation of the system. The governing body and the E-911 board of the county or city affected shall jointly be responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.
  - b. Funds generated from emergency telephone service charges shall be used to establish, operate, maintain and replace an emergency communication system that may, without limitation, consist of the following:
    - (1) Telephone communications equipment to be used in answering, transferring and dispatching public emergency telephone calls originated by persons within the service area who dial 911.
    - (2) Emergency radio communications equipment and facilities necessary to transmit and receive "dispatch" calls.

(3) The engineering, installation and recurring costs necessary to implement, operate and maintain an emergency communication system.

(4) Facilities to house E-911 services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems.

A uniform fee of \$.70 is collected by the State Wireless 9-1-1 Board. Of the fee collected by the state, fifty-six percent is distributed to ECDs for operational cost associated with answering wireless 9-1-1 calls. Twenty-four percent is distributed to the ECDs for cost associated with receiving phase II wireless 9-1-1 calls. Twenty percent is distributed to wireless carriers for reimbursement of expenses associated with delivery of 9-1-1 calls. Section §11-98-7 (b)(3)(b) indicates wireless revenue may only be used for the lease, purchase or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software and data base provisioning for incremental expenses directly related to the FCC Order and the handling of wireless emergency calls. The Alabama Wireless 9-1-1 Board collected \$29,857,571.09 and distributed \$29,255,460.25 from wireless connection in 2009.

3. The State Wireless 9-1-1 Board is responsible for the collection and distribution of the wireless service charge. An audit of the board by the Alabama Department of Examiners of Public Accounts would identify any collections or distributions not made in accordance with the laws of the State of Alabama. While the board has no authority to audit the ECDs, annual audits of the local ECDs would identify any funds expended that were not in accordance with the law.
4. All funds collected by the State Wireless 9-1-1 Board have been distributed to ECDs and wireless carriers as directed by law.
5. No funds collected by or distributed by the Alabama Wireless 9-1-1 Board have been utilized for purposes other than those related to the implementation or support of wireline and wireless 9-1-1. To the best of my knowledge, audits of local ECDs have not identified any revenues being used for expenses unrelated to the implementation or support of E 9-1-1.
6. The above information was also certified to NTIA as a prerequisite of the NET 9-1-1 Act.

Alabama does not have an office with the authority to manage E 9-1-1 services. The Governor of Alabama has designated the Alabama Department of Homeland Security as the state's single governmental body to serve as the coordination agency of E 9-1-1 services. If I can be of further assistance to you, please feel free to contact me.

Sincerely,



Art Faulkner  
State 9-1-1 Coordinator

Attachments

*Alabama Wireless 9-1-1 Board  
Distribution  
January - December 2009*

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Total Collections	\$ 30,159,162.80
Providers (1%)	<u>301,591.71</u>
Collections net of collection fee	29,857,571.09
Less:	
Add: Rounding	(3,529.57)
Add: Interest Income	<u>4,695.90</u>
 Collections available for distribution	 29,858,737.42
CMRS Board (2% of gross revenue plus interest)	<u>603,277.17</u>
<b>Amount to be distributed for operating and escrow</b>	<b><u>\$ 29,255,460.25</u></b>
 Operating (56%) -- ECD's	 16,383,057.74
Operating (24%) -- Phase II Capable ECD's	7,021,310.46
Escrow (20%) -- Providers	<u>5,851,092.05</u>
<b>Total agrees to amount to be distributed</b>	<b><u>\$ 29,255,460.25</u></b>

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## **Section 11-98-1**

### **Definitions.**

As used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

- (1) **CREATING AUTHORITY.** The municipal governing body of any municipality or the governing body of any county that, by passage of a resolution or ordinance, creates a communication district within its respective jurisdiction in accordance with this chapter.
- (2) **DISTRICT.** The communication district created pursuant to this chapter.
- (3) **E911.** Enhanced universal emergency number service or enhanced 911 service which is a telephone exchange communications service whereby a public safety answering point (PSAP) designated by the customer may receive telephone calls dialed to the telephone number 911. E911 service includes lines, facilities, and equipment necessary for answering, transferring, and dispatching public emergency telephone calls originated by persons within the serving area who dial 911 but E911 service does not include dial tone first which may be made available by the service provider based on the ability to recover the costs associated with its implementation and consistent with tariffs filed with and approved by the Alabama Public Service Commission.
- (4) **EXCHANGE ACCESS FACILITIES.** All lines, provided by the service suppliers for local exchange service, as defined in existing general subscriber services tariffs.
- (5) **PRIVATE SAFETY AGENCY.** Any other for-profit or not-for-profit entity providing emergency fire, ambulance, rescue, emergency management, or emergency medical services.
- (6) **PUBLIC SAFETY AGENCY.** An agency of the State of Alabama, or a functional division of a political subdivision, that provides fire fighting, rescue, natural or man-caused disaster, or major emergency response, law enforcement, ambulance, or emergency medical services.
- (7) **SERVICE SUPPLIER.** Any person providing exchange telephone service to any service user throughout the county or municipality.
- (8) **SERVICE USER.** Any person, not otherwise exempt from taxation, who is provided exchange telephone service in the municipality or county.
- (9) **TARIFF RATE.** The rate or rates billed by a service supplier as stated in the service supplier's tariffs and approved by the Alabama Public Service Commission, which represent the service supplier's recurring charges for exchange access facilities, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

(10) UNIFORM APPLICATION. The rate to be charged or applied by the communication district to the exchange access rate charged to business and residential access lines.

*(Acts 1984, No. 84-369, p. 854, §3; Acts 1992, No. 92-562, p. 1165, §1; Acts 1992, 2nd Ex. Sess., No. 92-706, p. 181, §1; Act 2000-693, p. 1411, §1.)*

#### **Section 11-98-2**

#### **Communications districts; creation; composition; powers and duties.**

The creating authority may by ordinance or resolution, as may be appropriate, create within its respective jurisdiction communications districts composed of the territory lying wholly within the municipality or of any part or all of the territory lying wholly within the county. The districts shall be political and legal subdivisions of the state, with power to sue and be sued in their corporate names and to incur debt and issue bonds. The bonds shall be negotiable instruments and shall be solely the obligations of the district and not the State of Alabama. The bonds and the income thereof shall be exempt from all taxation in the State of Alabama. The bonds shall be payable out of the income, revenues, and receipts of the district. The bonds shall be authorized and issued by resolution or ordinance of the creating authority of the district and shall be of such series, bear such date or dates, mature at such time or times, not to exceed 30 years from issuance, bear interest at such rate or rates, be in such denominations, be in such form, without coupon or fully registered without coupon, carry such registration and exchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to the priorities on the income, revenues, and receipts of the district as the resolution or ordinance may provide.

All bonds shall contain a recital that they are issued pursuant to this chapter, which recitals shall be conclusive that they have been duly authorized pursuant to this chapter.

*(Acts 1984, No. 84-369, p. 854, §1; Acts 1992, No. 92-562, p. 1165, §1; Act 2000-693, p. 1411, §1.)*

#### **Section 11-98-3**

#### **The digits 911 established as primary emergency telephone number.**

It has been shown to be in the public interest to shorten the time required for a citizen to request and receive emergency aid. The provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained will provide a significant contribution to law enforcement and other public service efforts by simplifying the notification of public service personnel. Such a simplified means of procuring emergency services will result in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals, and ultimately the saving of moneys. Establishment of a uniform emergency number is a matter of concern and interest to all citizens. It is the purpose of this chapter to establish

the number 911 as the primary emergency telephone number for use in communications districts created in municipalities or counties as herein provided.

*(Acts 1984, No. 84-369, p. 854, §2.)*

**Section 11-98-4**

**Board of commissioners.**

(a) When any district is created, the creating authority may appoint a board of commissioners composed of seven members to govern its affairs, and shall fix the domicile of the board at any point within the district. In the case of county districts, after the expiration of the terms of the members of the board of commissioners holding office on May 23, 2000, there may be at least one member of the board from each county commission district if the number of the county commission does not exceed seven, unless a resolution dated before January 1, 2000, was passed by a county commission establishing an appointment process different from this section or as otherwise provided by the enactment of a local act after May 23, 2000. The members of the board shall be qualified electors of the district, two of whom shall be appointed for terms of two years, three for terms of three years, and two for terms of four years, dating from the date of the adoption of the resolution or ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four years.

(b) The board of commissioners shall have complete and sole authority to appoint a chairman and any other officers it may deem necessary from among the membership of the board of commissioners.

(c) A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

(d) The board of commissioners may employ such employees, experts, and consultants as it deems necessary to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available.

(e) In lieu of appointing a board of commissioners, the governing body of the creating authority may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this chapter.

(f) In addition to other authority and powers necessary to establish, operate, maintain, and replace an emergency communication system, the board of commissioners shall have the following authority:

(1) To sue and be sued, to prosecute, and defend civil actions in any court having jurisdiction of the subject matter and of the parties.

(2) To acquire or dispose of, whether by purchase, sale, gift, lease, devise, or otherwise, property of every description that the board may deem necessary, consistent with Section 11-98-4, and to hold title thereto.

(3) To construct, enlarge, equip, improve, maintain, and operate all aspects of an emergency communication system consistent with Section 11-98-5(i).

(4) To borrow money for any of its purposes.

(5) To provide for such liability and hazard insurance as the board may deem advisable to include inclusion and continuation, or both, of district employees in state, county, municipal, or self-funded liability insurance programs.

(6) To enter into contracts or agreements with public or private safety agencies for dispatch services when such terms, conditions, and charges are mutually agreed upon, unless otherwise provided by local law.

(7) To make grants to smaller municipalities for dispatching equipment and services.

(g) The board of commissioners may elect to form a nonprofit, public corporation with all of the powers and authority vested in such political and legal entities. The certificate of incorporation shall recite, in part:

(1) That this is a nonprofit, public corporation and is a political and legal subdivision of the State of Alabama as defined in this chapter.

(2) The location of its principal office.

(3) The name of the corporation.

(4) That the governing body is the board of commissioners.

(h) Any other provisions of this act notwithstanding, the board of commissioners shall present to the creating authority for approval the acquisition, disposition, or improvements to real property.

*(Acts 1984, No. 84-369, p. 854, §4; Acts 1992, No. 92-562, p. 1165, §1; Act 2000-693, p. 1411, §1.)*

#### **Section 11-98-5**

#### **Emergency telephone service charge.**

(a)(1) The board of commissioners of the district may, when so authorized by a vote of a majority of the persons voting within the district, in accordance with law, levy an emergency telephone service charge in an amount not to exceed five percent of the maximum tariff rate charged by any service supplier in the district, except that in counties with populations of less than 25,000 as determined by the most recent population census,

the board of commissioners may, when so authorized by a vote of a majority of the persons voting within the district, in accordance with law, levy an emergency telephone service charge in an amount not to exceed two dollars (\$2). The governing body of the municipality or county may, upon its own initiative, call the special election. Any service charge shall have uniform application and shall be imposed throughout the entire district, to the greatest extent possible, in conformity with availability of such service in any area of the district. The district shall have service on line no later than 36 months from the start of collections or suspend all collections until the district provides the service and shall refund all collections made during this 36 month period of time.

(2) On and after January 1, 1992, the board of commissioners, once so authorized by a vote of a majority of the persons voting in the district to levy an emergency telephone service charge, may implement any rate of the emergency telephone service charge permitted under this section, as it may be amended from time to time, without further authorization.

(b) If the proceeds generated by an emergency telephone service charge exceed the amount of moneys necessary to fund the district, the board of commissioners shall, by ordinance or resolution, as provided in this chapter, reduce the service charge rate to an amount adequate to fund the district. In lieu of reducing the service charge rate, the board of commissioners may suspend the service charge, if the revenues generated therefrom exceed the district's needs. The board of commissioners may, by resolution or ordinance, reestablish the original emergency telephone service charge rate, or lift the suspension thereof, if the amount of moneys generated is not adequate to fund the district.

(c) An emergency telephone service charge shall be imposed only upon the amount received from the tariff rate for exchange access lines. If there is no separate exchange access charge stated in the service supplier's tariffs, the board of commissioners shall determine a uniform percentage not in excess of 85 percent of the tariff rate for basic exchange telephone service that shall be deemed to be the equivalent of tariff rate exchange access lines, until the service supplier establishes the tariff rate. No service charge shall be imposed upon more than 100 exchange access facilities per person, per location. Every billed service user shall be liable for any service charge imposed under this subsection until it has been paid to the service supplier. The duty of the service supplier to collect the service charge shall commence upon the date of its implementation, which shall be specified in the resolution calling the election. That emergency telephone service charge shall be added to and may be stated separately in the billing by the service supplier to the service user.

(d) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. The service supplier shall quarterly provide the board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of the service charge. The service charge shall be collected at the same time as the tariff rate according to the regular billing practice of the service supplier. Good faith compliance by the service



supplier shall constitute a complete defense to any legal action or claim that may result from the service supplier's determination of nonpayment or the identification of service users, or both.

(e) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due monthly. The amount of service charge collected in one calendar month by the service supplier shall be remitted to the district no later than 30 days after the close of a calendar month. On or before the thirtieth day after the close of a calendar month, a return, in the form the board of commissioners and the service supplier agree upon, shall be filed with the district, together with a remittance of the amount of service charge collected payable to the district. The service supplier shall maintain records of the amount of the service charge collected for a period of at least two years from the date of collection. The board of commissioners may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the district, the service supplier shall be entitled to retain an administrative fee in an amount equal to one percent.

(f) In order to provide additional funding or additional real or personal property for the district, the district or county or municipal governing body may receive federal, state, county, or municipal real or personal property and funds, as well as real or personal property and funds from private sources, and may expend the funds or use the property for the purposes of this chapter.

(g) With the agreement of the service supplier and the creating authority, two or more communication districts, or cities, or counties, or a city and a county in another communication district may agree to cooperate, to the extent practicable, to provide funding and service to their respective areas, and a single board of commissioners of not more than seven members may be appointed to conduct the affairs of the entities involved.

(h) A district may expend available funds to establish a common address and location identification program and to establish the emergency service number data base to facilitate efficient operation of the system. The governing body and the E-911 board of the county or city affected shall jointly be responsible for purchasing and installing the necessary signs to properly identify all roads and streets in the district.

(i) Funds generated from emergency telephone service charges shall be used to establish, operate, maintain, and replace an emergency communication system that may, without limitation, consist of the following:

(1) Telephone communications equipment to be used in answering, transferring, and dispatching public emergency telephone calls originated by persons within the service area who dial 911.

(2) Emergency radio communications equipment and facilities necessary to transmit and receive "dispatch" calls.

(3) The engineering, installation, and recurring costs necessary to implement, operate, and maintain an emergency communication system.

(4) Facilities to house E-911 services as defined in this chapter, with the approval of the creating authority, and for necessary emergency and uninterruptable power supplies for the systems.

*(Acts 1984, No. 84-369, p. 854, §3; Acts 1992, No. 92-562, p. 1165, §1; Acts 1992, 2nd Ex. Sess., No. 92-706, p. 181, §1; Acts 1995, No. 95-667, p. 1378, §1; Acts 1996, 1st Ex. Sess., No. 96-47, p. 62, §3.)*

#### **Section 11-98-5.1**

##### **Maximum tariff rates.**

(a) The tariff rate to be utilized in determining the maximum rate of the emergency communication district fee authorized to be levied in each district pursuant to Section 11-98-5 shall be determined by utilizing either of the following rates at the discretion of the board of commissioners of each emergency communication district:

(1) The maximum tariff charged for any bundled service provided by any service supplier in the district on the date of the levy and collection of the fee.

(2) The maximum tariff charged for any bundled service provided by any service supplier in the district as it existed on February 1, 2005, and adjusted as prescribed in subsection (b).

(b) A record of maximum tariff rates for any service provided in the district as the maximum tariff existed on February 1, 2005, shall be maintained by the Public Service Commission and shall be published on the Internet website or similar communication system operated by the commission. The maximum tariff as it existed on February 1, 2005, shall be adjusted once every five years, beginning on February 1, 2010, by the percentage increase in the Consumer Price Index over the preceding five calendar years. This adjusted rate shall also be published by the Public Service Commission beginning in February of 2010.

(c) The emergency communication district fee authorized and levied in each district pursuant to Section 11-98-5 shall apply to all wired telephone service utilized within the district, including such service provided through Voice-Over-Internet Protocol (VoIP) or other similar technology. It shall be the duty of each provider of VoIP or similar service to collect the fee for each 10-digit access number assigned to the user and to remit such fee as provided in Section 11-98-5.

*(Act 2005-111, p. 177, §1.)*

## **Section 11-98-6**

### **Definitions.**

As used in this section and Sections 11-98-7, 11-98-8, and 11-98-9, the following terms shall have the following meanings:

(1) **AUTOMATIC NUMBER IDENTIFICATION or ANI.** An enhanced 911 service capability that enables the automatic display of the 10-digit wireless telephone number used to place a 911 call and includes pseudo-automatic number identification or pseudo-ANI, which means an enhanced 911 service capability that enables the automatic display of the number of the cell site and an identification of the CMRS provider.

(2) **BOARD or CMRS BOARD.** The Commercial Mobile Radio Service Emergency Telephone Services Board.

(3) **COMMERCIAL MOBILE RADIO SERVICE or CMRS.** Commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312. The term includes the term wireless and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to an enhanced 911-like service, to a communications channel suitable only for data transmission, to a wireless roaming service or other non-local radio access line service, or to a private telecommunications system.

(4) **COMMERCIAL MOBILE RADIO SERVICE PROVIDER or CMRS PROVIDER.** A person or entity who provides commercial mobile radio service or CMRS service.

(5) **CMRS CONNECTION.** A mobile telephone number assigned to a CMRS customer.

(6) **CMRS CUSTOMER.** A person, business, corporation, or other entity that purchases, utilizes, or otherwise obtains wireless CMRS service, other than CMRS service sold to an entity for the purpose of resale.

(7) **CMRS FUND.** The Commercial Mobile Radio Service Fund required to be established and maintained pursuant to Section 11-98-7(b)(2).

(8) **CMRS SERVICE CHARGE.** The CMRS emergency telephone service charge levied and maintained pursuant to Section 11-98-7(b)(1) and (b)(2) and collected pursuant to Section 11-98-8.

(9) **DISTRIBUTION FORMULA.** The percentage of the total state population residing in an ECD, compared to the total state population residing in all ECDs statewide, based upon the latest census data or estimates compiled by or for the Alabama Department of Economic and Community Affairs.

(10) **ECD.** An emergency communications district created pursuant to this chapter.

(11) **ENHANCED 911, E-911, ENHANCED E-911 SYSTEM, or E-911 SYSTEM.** An emergency telephone system that provides the caller with emergency 911 system service, that directs enhanced 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and the features that the Federal Communications Commission (FCC) may require in the future.

(12) **EXCHANGE ACCESS FACILITY.** An exchange access facility as defined by Section 11-98-1(4).

(13) **FCC ORDER.** The order of the Federal Communications Commission, FCC Docket No. 94-102, adopted on June 12, 1996, and released on July 26, 1996.

(14) **LICENSED SERVICE AREA.** The geographic area in which the CMRS provider is authorized by law or contract to provide CMRS service.

(15) **MOBILE TELEPHONE NUMBER.** The telephone number assigned to a wireless telephone.

(16) **PHASE II ENHANCED 911 SERVICE.** An emergency telephone system that provides the location of all 911 calls by longitude and latitude in conformance with accuracy requirements established by the Federal Communications Commission.

(17) **PLACE OF PRIMARY USE.** The street address representative of where the customer's use of the mobile telecommunications service primarily occur, which must be:

- a. the residential street address or the primary business street address of the customer; and
- b. within the licensed service area of the CMRS provider.

(18) **PUBLIC SAFETY AGENCY.** A public safety agency as defined by Section 11-98-1(6).

(19) **SERVICE SUPPLIER.** A service supplier as defined by Section 11-98-1(7).

(20) **TECHNICAL PROPRIETARY INFORMATION.** Technology descriptions, technical information, or trade secrets, including the term trade secrets as defined by the Alabama Trade Secrets Act of 1987, Section 8-27-1 et seq., and the actual or developmental costs thereof which are developed, produced, or received internally by a CMRS provider or by a CMRS provider's employees, directors, officers, or agents.

*(Acts 1984, No. 84-369, p. 854, §5; Acts 1992, No. 92-562, p. 1165, §1; Act 98-338, p. 584, §1; Act 2007-459, §1.)*

**Section 11-98-7**

**Commercial Mobile Radio Service - Board created; powers and duties; Sunset provision.**

(a) There is created a Commercial Mobile Radio Service (CMRS) Board, consisting of seven members that shall reflect the racial, gender, geographic, urban and rural and economic diversity of the state.

(1) The first five members of the board, each of whom shall serve for a term of four years, shall be appointed by the Governor, subject to confirmation by the Senate, as follows:

- a. Two members recommended by the ECDs.
- b. Two members recommended by CMRS providers licensed to do business in Alabama.
- c. One member recommended by the State Auditor.

(2) The next two members of the board, each of whom shall serve for a term of four years, shall be appointed as follows:

- a. One member of the House of Representatives appointed by the Speaker of the House.
- b. One member of the Senate appointed by the Lieutenant Governor.

(3) The term of each member shall be four years, except that of the members first appointed, one representing ECDs shall serve for three years and one representing CMRS providers shall serve for three years, one representing ECDs shall serve two years and one representing CMRS providers shall serve two years. The Governor shall designate the term which each of the members first appointed shall serve when he or she makes appointments. The two legislative members shall serve for the length of their elective service, but no more than four years.

(4) In the event of a vacancy, a vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. Any vacancy occurring on the board, whether for an expired or unexpired term, shall be filled by appointment by the appointing authority as soon as practicable after a vacancy occurs, whether for an expired or unexpired term.

(5) For all terms expiring after October 1, 2007, appointments made by the Governor shall be subject to confirmation by the Senate as provided in this subdivision. Appointments made at times when the Senate is not in session shall be effective immediately ad interim and shall serve until the Senate acts on the appointment as

provided herein. Any appointment made by the Governor while the Senate is in session shall be submitted to the Senate not later than the third legislative day following the date of the appointment. Any appointment made while the Senate is not in session shall be submitted not later than the third legislative day following the reconvening of the Legislature. In the event the Senate fails or refuses to act on the appointment, the person whose name was submitted shall continue to serve until action is taken on the appointment by the Senate.

(b) The board shall have the following powers and duties:

(1) To levy a CMRS emergency telephone service charge on each CMRS connection that has a place of primary use within the geographical boundaries of the State of Alabama. The rate of the CMRS service charge shall be seventy cents (\$.70) per month per CMRS customer on each CMRS connection beginning on May 1, 1998, which amount shall not be increased except by the Legislature. The CMRS service charge shall have uniform application and shall be imposed throughout the state. The board shall receive all revenues derived from the CMRS service charge levied in the state and collected pursuant to Section 11-98-8.

(2) To establish and maintain the CMRS Fund as an insured, interest-bearing account into which the board shall deposit all revenues derived from the CMRS service charge levied on CMRS connections and collected pursuant to Section 11-98-8. The revenues deposited into the CMRS Fund shall not be moneys or property of the state and shall not be subject to appropriation by the Legislature.

(3) To make disbursements from the CMRS Fund in the following amounts and in the following manner:

a. Out of the funds collected by the board and after deduction of administrative expenses, 56 percent shall be distributed to ECDs in accordance with the distribution formula and may only be used for the lease, purchase, or maintenance of wireless enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning, for incremental expenses directly related to the FCC Order and the handling of wireless emergency calls.

b. Beginning on October 1, 2007, 24 percent shall be distributed to ECDs in accordance with Section 11-98-7.1.

c. Twenty percent shall be deposited into a bank account and shall be used solely for the purpose of payment of the actual costs incurred by CMRS providers in complying with the wireless E-911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order, including, but not limited to, costs and expenses incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required in order to provide the service as well as the incremental costs of operating the service. Verified itemized statements shall be presented to the

board in connection with any request for payment by any CMRS provider and shall be approved by a majority vote of the board prior to any disbursement. Approval shall not be withheld or delayed unreasonably. In no event shall any invoice be approved for the payment of costs that are not related to compliance with the wireless E-911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order.

d. Beginning no later than October 1, 2007, and no later than each October 1 thereafter, each CMRS provider wishing to participate in the payments provided in paragraph c. for expenses related to the providing of Phase II Enhanced 911 Service shall certify to the board that it does not then collect a cost-recovery or other similar separate charge from its customers. CMRS providers failing to provide such certification by October 1 shall be ineligible to receive such payments for any such Phase II expenses incurred until such certificate is provided to the board. Any CMRS provider electing to collect cost-recovery or other similar separate charges at any time following its October 1 certification shall immediately notify the board and shall be ineligible to participate in the payments established in this subsection until ceasing such collection from its customers and providing the notice required herein. This requirement shall only apply to payments for expenses related to the provision of Phase II Enhanced 911 Services.

e. In the event that there are wireless emergency telephone services which cannot be efficiently performed at the ECD level or there are expenses which cannot be properly allocated at the ECD level, any ECD or CMRS provider may submit invoices directly to the board and the board shall determine the smallest practical unit basis for joint implementation.

(4) To obtain, pursuant to subdivision (5), from an independent, third-party auditor retained by the board a copy of the annual reports to the Department of Examiners of Public Accounts no later than 120 days after the close of each fiscal year, which shall provide an accounting for all CMRS service charges deposited into the CMRS Fund during the preceding fiscal year and all disbursements to ECDs during the preceding fiscal year. The Department of Examiners of Public Accounts shall conduct an annual audit of the expenditures of the board from all CMRS service charges from the CMRS Fund.

(5) To retain, upon majority vote of the members of the board who are present and voting, an independent, third-party auditor for the purposes of receiving, maintaining, and verifying the accuracy of any and all information, including all proprietary information, that is required to be collected, or that may have been submitted to the board by CMRS providers and ECDs, and the accuracy of the collection of the CMRS service charge required to be collected. An audit, if conducted pursuant to this subdivision, shall be conducted pursuant to Chapter 2A of Title 40.

(6) To conduct a cost study on or before July 1, 1999, to be submitted to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives for the purpose of determining whether legislation should be proposed during the 2000 Regular

Session of the Alabama Legislature to adjust the amount of the CMRS service charge to reflect actual costs to be incurred by CMRS providers and ECDs in order to comply with the wireless E-911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order.

(7) To promulgate such rules and regulations as may be necessary to effect the provisions of this section.

(8) To make the determinations and disbursements as provided by Section 11-98-8(c).

(9) Neither the board nor any ECD shall require the CMRS providers to select or to deploy particular commercial solutions to meet the requirements of the FCC Order, provided the solutions chosen are compatible with the operations of the ECDs.

(c) The CMRS service charge provided in subdivision (b)(1) shall be the sole charge assessed to CMRS providers relating to emergency telephone services.

(d) The board shall serve without compensation, provided, however, that members of the board shall be entitled to be reimbursed for actual expenses and travel costs associated with their service.

(e) Nothing in this chapter shall be construed to constitute the regulation of the entry of or rates charged by CMRS providers for any service or feature which they provide to their CMRS service customers, or to prohibit a CMRS provider from charging a CMRS service customer for any service or feature provided to the customer.

(f) Subsection (k) of Section 40-21-121 shall apply to the CMRS emergency telephone service charge imposed in this section.

(g) The board shall be subject to the Alabama Sunset Law under Chapter 20 of Title 41, shall be classified an enumerated agency under Section 41-20-3, and shall terminate on October 1, 2000, and every four years thereafter, unless continued as therein provided. If continued, the board shall be reviewed every four years thereafter and terminated unless continued into law.

*(Acts 1984, No. 84-369, p. 854, §6; Act 98-338, p. 584, §1; Act 2007-459, §1.)*

#### **Section 11-98-8**

#### **Commercial Mobile Radio Service - Duties of providers; service charges.**

(a) Each CMRS provider shall act as a collection agent for the CMRS Fund and shall collect the CMRS service charges levied upon CMRS connections pursuant to Section 11-98-7(b)(1) from each CMRS connection to whom the CMRS provider provides CMRS service and shall, not later than 60 days after the end of the calendar month in which such CMRS service charges are collected, remit to the board the net CMRS service charges collected after deducting the fee authorized by subsection (b). Each billing



provider shall list the CMRS service charge as a separate entry on each bill which includes a CMRS service charge.

(b) Each CMRS provider shall be entitled to deduct and retain from the CMRS service charges collected by the provider during each calendar month an amount not to exceed one percent of the gross aggregate amount of the CMRS service charges collected as reimbursement for the costs incurred by the provider in collecting, handling, and processing the CMRS service charges.

(c) The board shall be entitled to retain from the CMRS service charges collected during each calendar month an amount not to exceed two percent of the gross aggregate amount of such CMRS service charges collected as reimbursement for the costs incurred by the board in administering this chapter, including, but not limited to, retaining and paying the independent, third-party auditor to review and disburse the cost recovery funds and to prepare the reports contemplated by this chapter.

(d) The CMRS provider shall have no obligation to take any legal action to enforce the collection of the CMRS service charge. If a CMRS provider receives partial payment for a monthly bill from a CMRS subscriber, the CMRS provider shall apply the payment against the amount the CMRS subscriber owes the CMRS provider first, and shall remit to the board the lesser amount, if any, as shall result therefrom.

(e) The charges and fees collected under this section shall not be subject to taxes or charges levied on or by the CMRS provider, nor shall the charges and fees be considered revenue of the CMRS provider for any purposes. The CMRS provider shall annually provide to the emergency communications district management review board an accounting of the amounts billed and collected and of the disposition of the amounts.

(f) State and local taxes do not apply to the CMRS service charge.

(g) If a CMRS provider collects, but fails to remit, the CMRS service charges as provided herein or fails to collect the CMRS service charges, the provider shall be required to remit to the board the actual fees collected or that should have been collected and interest on the fees not remitted. The amount of the annual interest due shall be determined in accordance with Section 40-1-44. The board may seek the enforcement of this section in the Circuit Court of Montgomery County.

(h) The board shall treat as confidential the remittance information submitted by a CMRS provider, including the total dollar amount remitted, the number of service charges remitted, or any other information that the board could reasonably believe would reveal the number of CMRS customers who are being serviced by a particular carrier or any other proprietary information.

*(Act 98-338, p. 584, §2; Act 2007-459, §1.)*

**Section 11-98-9**

### **Technical proprietary information.**

All technical proprietary information submitted to the board or to the independent third-party auditor as provided by Section 11-98-7(b)(5) shall be retained by the board and the auditor in confidence and shall be subject to review only by the Examiners of Public Accounts. Notwithstanding any other provision of the law, no technical proprietary information submitted shall be subject to subpoena or otherwise released to any person other than to the submitting CMRS provider, the board, and the independent third-party auditor without the express permission of the administrator and the submitting CMRS provider. General information collected by the independent third-party auditor shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual CMRS provider. Notwithstanding any other provision of the law, no district, political subdivision, CMRS provider, local exchange company, or their employees, directors, officers, or agents shall be liable for any damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and otherwise providing wireless enhanced 911 service in compliance with the requirements established by FCC Order 94-102 and any rules and regulations which are or may be adopted by the FCC pursuant to the order, except in the case of willful or wanton misconduct.

*(Act 98-338, p. 584, §2.)*

### **Section 11-98-10**

#### **Restrictions on 911 use; secondary backup emergency number authorized; certain automatic alerting devices connected to network prohibited; possible penalties for misuse.**

- (a) The telephone number 911 is restricted to emergency calls that may result in dispatch of the appropriate response for: fire suppression and rescue, emergency medical services or ambulances, hazardous material, disaster, or major emergency occurrences, and law enforcement activities.
- (b) The digits 911 shall be the primary emergency telephone number, but the involved agencies may maintain a separate secondary backup number and shall maintain a separate number for non-emergency telephone calls.
- (c) No person shall connect to a service supplier's network or to a CMRS provider's network any automatic alarm, or other automatic alerting device that automatically dials, without human initiation, and provides a pre-recorded message in order to directly access the services that may be obtained through dialing 911.
- (d) The making of a false alarm, complaint, or knowingly reporting false information using the E-911 system, may subject the caller to penalties as provided by law.

*(Act 98-338, p. 584, §2.)*

**Section 11-98-11**

**Methods of response to emergency calls.**

(a) The emergency telephone system shall be designed to have the capability of utilizing at least one of the following four methods in response to emergency calls:

(1) Direct dispatch method, which is a telephone service to a centralized dispatch center providing for the dispatch of an appropriate emergency service unit upon receipt of a telephone request for such services and a decision as to the proper action to be taken.

(2) Relay method, which is a telephone service whereby pertinent information is noted by the recipient of a telephone request for emergency services, and is relayed to appropriate public safety agencies or other providers of emergency services for dispatch of an emergency service unit.

(3) Transfer method, which is a telephone service which receives telephone requests for emergency services and directly transfers such requests to an appropriate public safety agency or other provider of emergency services.

(4) Referral method, which is a telephone service which, upon the receipt of a telephone request for emergency services, provides the requesting party with the telephone number of the appropriate public safety agency or other provider of emergency services.

(b) The board of commissioners of the district shall select the method which it determines to be the most feasible for the county or municipality.

*(Act 98-338, p. 584, §2.)*

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

### ENTERPRISE TECHNOLOGY SERVICES

SEAN PARNELL, Governor

P.O. BOX 110206  
JUNEAU, ALASKA 99811-0206

PHONE: (907) 465-2220  
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March 22, 2010

James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Dear Mr. Barnett,

RE: New and Emerging Technologies Improvement Act of 2008 (NET 911 Act)  
State of Alaska Response to Information Request PS Docket No. 09-14

I am responding to the Federal Communication Public Safety and Homeland Security Bureau's request to Governor Sean Parnell for information about the "collection and expenditure of fees or charges established by the states or other jurisdictions in connection with 911/e911 services" for calendar year 2009.

As requested, below is Alaska's information:

#### **1. Funding Mechanism**

In 2005, SLA 05, Chapter 55 amended Alaska Statutes 29.35.131 through AS 29.35.138 (enhanced 911 system) to allow a municipality, public municipal corporation, or a village to impose and increase a surcharge to provide e911 at public safety answering points from a local exchange telephone company or other qualified vendor. The Alaska Legislature's intent was to provide a sustained funding source for the technology necessary to respond to emergency calls and situations.

AS 29.35.131 – AS 29.35.137 applies to home rule and general law municipalities. Alaska statutes do not allow the imposition of surcharges where no e911 service is provided.

Attachment 1, *NET 911 ACT Inventory 2009*, provides information about e911/911 providers, communities serviced, surcharges, and funds collected for the year ending December 31, 2009. Some exchanges have not responded as of the date of this letter. This information will be provided upon receipt of the information.

## **2. Fees, Charges and Collections to Implement and Support 911 and e911 Systems**

The surcharge is capped at \$2 per month per line, with provisions to exceed that requiring approval by voters of the e911 service area. Allocations are to be determined by the borough and its communities via a written agreement. Each year, the governing body of the municipality must review enhanced 911 surcharges to confirm whether the surcharge is meeting enhanced 911 system needs.

E911 surcharges are billed and collected by local exchange telephone companies or other qualified vendors, specifically wireless service providers, and remitted to the municipality.

AS 29.35.131 specifies that revenues collected must be used for costs directly attributable to the establishment, maintenance, and operation of an e911 system.

Based on available data, the total amount collected for calendar year 2009 was \$8,199,046.36.

## **3. Entities with Authority to Approve Expenditure of Funds and Oversight Procedures**

AS 29.35.138 specifies that the e911 system statutes, AS 29.35.123 through 29.35.137, apply to home rule and general law municipalities. Alaska's system of local government consists of two types of municipal government:

- **A city government** is a municipal corporation and political subdivision of the State of Alaska. In 2003, there were 145 city governments in Alaska.
- **An organized borough** is a municipal corporation and political subdivision of the State of Alaska. However, organized boroughs are regional governments – much larger than cities. Sixteen organized boroughs encompass about 43% of the geographic area of Alaska.
- Alaska's boroughs include home rule, first class, second class and third class;
- *Home rule boroughs* have been organized in several rural areas where an adequate revenue base exists to fund the local share of schools and provide planning, land use, and other services. The North Slope and Northwest Arctic Boroughs were the first of these, and both have developed sophisticated regional governments. These boroughs, along with the Aleutians East and the Lake and Peninsula Boroughs, have

developed very close ties with constituent communities. Yakutat

expanded its city into a borough. Home rule charters adopted by the people provide these area-wide municipalities with the flexibility to adapt their structure, functions and services to the respective region's values and needs. Home rule boroughs have broad capacity to exercise various powers, such as education, taxation of property, transportation systems, EMS communications, on an area-wide basis. A home rule borough acquires additional area-wide powers in the manner set out in its charter.

Oversight procedures established via AS 29.35.131 require that:

- Municipalities determine funds are made available and used for purposes allowed under AS 29.35.131(i);
- The governing body of the municipality review e911 surcharges on an annual basis to confirm whether the surcharge is meeting enhanced 911 system needs;
- When imposing or changing an e911 surcharge, municipalities provide written notification to affected telephone customers explaining how the surcharge will be used; and
- Before a borough may use revenue from an e911 surcharge, the borough and city must enter into an agreement to address the duties and responsibilities of each party. The Alaska Department of Public Safety must be a party to the agreement if DPS provides services to support their e911 system.

#### **4. How Collected Funds Are To Be Used**

AS 29.35.131(i) specifies that revenues collected may be used for costs directly attributable to the establishment, maintenance, and operation of an e911 system:

- 1) the acquisition, implementation, and maintenance of public safety answering point equipment and 911 service features;
- 2) the acquisition, installation, and maintenance of other equipment, including call answering equipment, call transfer equipment, automatic number identification controllers and displays, automatic location identification controllers and displays, station instruments, 911 telecommunications systems, teleprinters, logging recorders,
- 3) instant playback recorders, telephone devices for the deaf, public safety answering point backup power systems, consoles, automatic call distributors, and hardware and software interfaces for computer-aided dispatch systems;

March 22, 2010

- 4) the salaries and associated expenses for 911 call takers for that portion of time spent taking and transferring 911 calls;
- 5) training costs for public safety answering point call takers in the proper methods and techniques used in taking and transferring 911 calls;
- 6) expenses required to develop and maintain all information necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the 911 call-taking and transferring function, including automatic location identification and automatic number identification databases.

**5. Collected Funds Used for Other Purposes**

Alaska Statutes 29.35.131 through AS 29.35.138 dictate the use of the e911/911 funds that are collected. Fees are not used for any other purposes.

If you have any questions regarding the State of Alaska's response, please contact [me](#).

Sincerely,



James M. Kohler  
Deputy Director  
Enterprise Technology Services  
Department of Administration  
State of Alaska  
P. O. Box 110206  
Juneau, AK 99811-0206  
907.723.9686

Attachments: Net 911 ACT Inventory 2009  
Alaska Statutes 29.35.131 - AS 29.35.138

# e911/911 Alaska Report 2009

Local Exchange (land line & wireless)	e911/911 Communities Served	Member of Municipality, Borough or City	e911/911 fee per line	Total e911/911 fees collected 2009	Fees remitted to:
Adak Eagle Enterprises	Adak	Adak	\$2.50	\$4,373.21	City of Adak
Alascom Inc (DBA AT&T Alascom)	Anchorage	Anchorage Borough	\$1.50	\$46,648.50	Remitted to the Municipality of Anchorage
	Fairbanks	Fairbanks North Star Borough	\$0.75	\$234.75	Remitted to Fairbanks North Star Borough
	Juneau	City and Borough of Juneau	\$1.90	\$5,063.50	Remitted to City and Borough of Juneau
	Kenai	Kenai Peninsula Borough	\$1.15	\$62.10	Remitted to Kenai Peninsula Borough
Alaska Communications Systems (ACS)	Anchorage Borough	Anchorage Borough	1.50	2,142,355.43	Municipality of Anchorage
	Fairbanks North Star Borough	Fairbanks North Star Borough	0.75	425,126.38	Fairbanks North Star Borough
	Juneau Borough	Juneau Borough	1.90	343,949.40	Juneau Borough
	Kenai Peninsula Borough	Kenai Peninsula Borough	1.15	630,742.17	Kenai Peninsula Borough
	Ketchikan Gateway Borough	Ketchikan Gateway Borough	2.00	41,660.00	Ketchikan Gateway Borough
	Kodiak Island Borough	Kodiak Island Borough	0.75	37,828.10	Kodiak Island Borough
	Matanuska-Susitna Borough	Matanuska-Susitna Borough	0.85	85,036.81	Matanuska-Susitna Borough
	Northwest Arctic Borough	Northwest Arctic Borough	2.00	458.00	City of Kotzebue
	Sitka Borough	Sitka Borough	1.48	91,221.71	Sitka Borough
	Delta Junction	Southeast Fairbanks Census Area	2.00	32,077.31	City of Delta Junction
	Nome	Nome Census Area	2.00	-	City of Petersburg
	Petersburg	Petersburg Census Area	1.00	694.00	City of Valdez
	Valdez	Valdez-Cordova Census Area	0.75	1,647.75	City of Wrangell
	Wrangell	Wrangell Borough	0.75	1,617.75	
	Bethel	Bethel Census Area	2.00	no customers	City of Bethel
	Dillingham	Dillingham Census Area	0.75	no customers	City of Dillingham
	Nome	Nome Census Area	2.00	no customers	City of Nome
Arctic Slope Telephone Association, Inc (ASTAC)	Barrow	North Slope Borough	\$0.00	\$0.00	
	Wainwright	North Slope Borough	\$0.00	\$0.00	
	Atkasuk	North Slope Borough	\$0.00	\$0.00	
	Point Hope	North Slope Borough	\$0.00	\$0.00	
	Point Lay	North Slope Borough	\$0.00	\$0.00	
	Deadhorse/Pruhdoe Bay	North Slope Borough	\$0.00	\$0.00	
	Nuiqsut	North Slope Borough	\$0.00	\$0.00	
	Kaktovik	North Slope Borough	\$0.00	\$0.00	
	Anatuvuk Pass	North Slope Borough	\$0.00	\$0.00	
	Barrow	North Slope Borough	\$0.00	\$0.00	
	Wainwright	North Slope Borough	\$0.00	\$0.00	
	Point Hope	North Slope Borough	\$0.00	\$0.00	
	Deadhorse/Pruhdoe Bay	North Slope Borough	\$0.00	\$0.00	
	Nuiqsut	North Slope Borough	\$0.00	\$0.00	
	Kaktovik	North Slope Borough	\$0.00	\$0.00	
	Note: Some ASTAC Wireless customers have Anchorage billing addresses. ASTAC Wireless bills the Anchorage E-911 surcharge to those customers and remits the amounts collected to the Municipality of Anchorage	Anchorage	\$1.50	\$1,801.50	Municipality of Anchorage
Alaska Power & Telephone (APT) Company	Wrangell	City of Wrangell	\$0.75	\$10,160.82	City of Wrangell
	Petersburg	City of Petersburg	\$1.00	\$22,969.90	City of Petersburg
	Ketchikan	City of Ketchikan	\$2.00	\$314.07	City of Ketchikan



Bettles Telephone	Per Jason Ensminger of APT Alaska no e911 services				
North Country Telephone	Per Jason Ensminger of APT Alaska no e911 services				
Bristol Bay Telephone Coop, Inc (BBTC)	no fees collected per Todd Hoppe				
Bush-Tell	No response as of 3/19/10				
Cordova Telephone/Cordova Wireless Communications	Cordova	City of Cordova	\$0.00	\$0.00	N/A
Copper Valley Telephone Coop	Valdez	Valdez	\$ .75	21,738.97	Fees collected through customer billings are paid to the City of Valdez by check. A \$150 collection fee is deducted from the proceeds each month
GCI	Bethel	Bethel	\$ 2.00	\$ 35,282.00	Bethel
	Delta Junction	Delta Junction	\$ 2.00	\$ -	Delta Junction (under \$150 not remitted)
	Fairbanks, North Pole	Fairbanks	\$ 0.75	\$ 204,041.20	Fairbanks
	Juneau	Juneau	\$ 1.90	\$ 253,728.09	Juneau
	Kenai, Seward, Homer, Soldotna, etc.	Kenai	\$ 1.15	\$ 67,691.05	Kenai
	Ketchikan	Ketchikan	\$ 2.00	\$ 53,496.00	Ketchikan
	Kodiak	Kodiak	\$ 0.75	\$ 15,526.50	Kodiak
	Kotzebue	Kotzebue	\$ 2.00	\$ 5,206.00	Kotzebue
	Palmer, Wasilla, Big Lake, etc.	Mat-Su	\$ 0.85	\$ 106,562.40	Mat-Su
	Anchorage, Girdwood, Eagle River, Chugiak	Municipality of Anchorage	\$ 1.50	\$ 2,076,733.55	Municipality of Anchorage
	Nome	Nome	\$ 0.75	\$ 3,624.75	Nome
	Petersburg	Petersburg	\$ 1.00	\$ 7,858.00	Petersburg
	Sitka	Sitka	\$ 1.48	\$ 20,590.92	Sitka
	Valdez	Valdez	\$ 0.75	\$ 645.00	Valdez
	Wrangell	Wrangell	\$ 0.75	\$ 5.25	Wrangell
Formerly Alaska Digitel now owned by GCI	Anchorage, Girdwood, Eagle River, Chugiak	MOA	\$ 1.50	\$ 399,662.48	Municipality of Anchorage
	Fairbanks, North Pole	Fairbanks	\$ 0.75	\$ 15,153.00	Fairbanks
		Juneau	\$ 1.90	\$ 13,697.80	Juneau
	Kenai, Seward, Homer, Soldotna, etc.	Kenai	\$ 1.15	\$ 8,968.15	Kenai
	Palmer, Wasilla, Big Lake, etc.	Mat-Su	\$ 0.85	\$ 32,934.70	Mat-Su
Interior Telephone Co./Mukluk Tel. Co.	no response as of 3/19/10				
Ketchikan Public Utility (city of Ketchikan)	Ketchikan & Saxman	Ketchikan Gateway Borough	\$2.00	\$389,893.00	City of Ketchikan for the support of the City's E911 system.
Matanuska Telephone Association, Inc.	All areas of the Mat-Su Borough	Matanuska Susitna Borough	\$0.85	\$352,218.69	Collected fees (billed less uncollectible) are remitted to the Borough on or before 60 days following the end of the month in which the E911 surcharges are billed
	Tyonek	Kenai Peninsula Borough	\$1.15	\$2,388.29	Collected fees (billed less uncollectible) are remitted to the Borough annually 60 days following the last month in which the E911 surcharges are billed
	Chugiak, Eagle River	Municipality of Anchorage	\$1.50	\$172,677.22	Collected fees (billed less uncollectible) are remitted to the Municipality on or before 60 days following the end of the month in which the E911 surcharges are billed
Nushagak Cooperative	Dillingham - Aleknagik	City of Dillingham	\$0.75	\$15,725.00	City of Dillingham

OTZ Telephone	Kotzebue Kivalina Noatak Kiana Noorvik Ambler Shungnak Kobuk Deering Buckland Selawik & Red Dog routes to a phone at their sites.	City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue City of Kotzebue	\$2.00	\$13,410.38	City of Kotzebue
Summit Telephone	no response as of 3/19/10				
United Utilities, Inc./United-KUC, Inc.	Bethel	City of Bethel	\$2.00	\$21,008.78	City of Bethel
Yukon Telephone Co.	Whittier Tanana Ruby	Valdez-Cordova Fairbanks-North Star Borough	\$0.00	\$0.00	N/A

**Total Alaska e911/911 fees collected for 2009:**

**\$8,214,771.36**



# **LAWS OF ALASKA**

**2005**

**Source**

CSHB 249(RLS)

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Relating to enhanced 911 systems and enhanced 911 surcharges imposed by a municipality, public municipal corporation, or village.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

## AN ACT

1 Relating to enhanced 911 systems and enhanced 911 surcharges imposed by a municipality,  
2 public municipal corporation, or village.

3  
4 \* **Section 1.** AS 29.10.200(37) is amended to read:

5 (37) **AS 29.35.131 - 29.35.137** [AS 29.35.131] (enhanced 911 system);

6 \* **Sec. 2.** AS 29.35.131(a) is amended to read:

7 (a) A municipality may, by resolution or ordinance, elect to provide an  
8 enhanced 911 system at public safety answering points **and** [,] may purchase or lease  
9 the enhanced 911 equipment or service required to establish or maintain an enhanced  
10 911 system at public safety answering points from a local exchange telephone  
11 company or other qualified vendor. **The municipality** [, AND] may impose an  
12 enhanced 911 surcharge [, IN AN AMOUNT TO BE DETERMINED BY THE  
13 MUNICIPALITY, ON ALL LOCAL EXCHANGE ACCESS LINES THAT  
14 PROVIDE TELEPHONE SERVICE TO WIRELINE TELEPHONES IN THE AREA

1 TO BE SERVED BY THE ENHANCED 911 SYSTEM. A MUNICIPALITY THAT  
2 PROVIDES SERVICES UNDER AN ENHANCED 911 SYSTEM MAY ALSO BY  
3 RESOLUTION OR ORDINANCE IMPOSE AN ENHANCED 911 SURCHARGE  
4 ON EACH WIRELESS TELEPHONE NUMBER THAT IS BILLED TO AN  
5 ADDRESS] within the enhanced 911 service area. **An** [FOR A MUNICIPALITY  
6 WITH A POPULATION OF 100,000 OR MORE, AN ENHANCED 911  
7 SURCHARGE MAY NOT EXCEED 50 CENTS PER MONTH FOR EACH  
8 WIRELESS TELEPHONE NUMBER OR 50 CENTS PER MONTH FOR EACH  
9 LOCAL EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES. FOR A  
10 MUNICIPALITY WITH FEWER THAN 100,000 PEOPLE, AN] enhanced 911  
11 surcharge may not exceed **\$2** [75 CENTS] per month for each wireless telephone  
12 number **and \$2** [OR 75 CENTS] per month for each local exchange access line for  
13 wireline telephones. **The maximum surcharge amount of \$2 provided for in this**  
14 **subsection may be increased above that level if the surcharge amount is approved**  
15 **by the voters of the enhanced 911 service area. The amount of surcharge**  
16 **imposed for each wireless telephone number must equal the amount imposed for**  
17 **each local exchange access line for a wireline telephone.** An enhanced 911 service  
18 area may be all of a city, all of a unified municipality, or all or part of the area within a  
19 borough and may include the extraterritorial jurisdiction of a municipality in  
20 accordance with AS 29.35.020. The governing body of a municipality shall review an  
21 enhanced 911 surcharge annually to determine whether the current level of the  
22 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911  
23 system needs. **When a municipality imposes an enhanced 911 surcharge or the**  
24 **amount of the surcharge is changed, the municipality shall notify in writing the**  
25 **telephone customers subject to the surcharge and provide an explanation of what**  
26 **the surcharge will be used for** [THE MUNICIPALITY MAY ONLY USE THE  
27 ENHANCED 911 SURCHARGE FOR THE ENHANCED 911 SYSTEM].

28 \* **Sec. 3.** AS 29.35.131 is amended by adding new subsections to read:

29 (i) A municipality may only use the enhanced 911 surcharge revenue for those  
30 costs of the enhanced 911 system that are authorized in this subsection. The surcharge  
31 revenue may not be used for any capital or operational costs for emergency responses

1 that occur after the call is dispatched to the emergency responder. The surcharge  
2 revenue may not be used for constructing buildings, leasing buildings, maintaining  
3 buildings, or renovating buildings, except for the modification of an existing building  
4 to the extent that is necessary to maintain the security and environmental integrity of  
5 the public safety answering point and equipment rooms. The surcharge revenue may  
6 be used for the following costs to the extent the costs are directly attributable to the  
7 establishment, maintenance, and operation of an enhanced 911 system:

8 (1) the acquisition, implementation, and maintenance of public safety  
9 answering point equipment and 911 service features;

10 (2) the acquisition, installation, and maintenance of other equipment,  
11 including call answering equipment, call transfer equipment, automatic number  
12 identification controllers and displays, automatic location identification controllers and  
13 displays, station instruments, 911 telecommunications systems, teleprinters, logging  
14 recorders, instant playback recorders, telephone devices for the deaf, public safety  
15 answering point backup power systems, consoles, automatic call distributors, and  
16 hardware and software interfaces for computer-aided dispatch systems;

17 (3) the salaries and associated expenses for 911 call takers for that  
18 portion of time spent taking and transferring 911 calls;

19 (4) training costs for public safety answering point call takers in the  
20 proper methods and techniques used in taking and transferring 911 calls;

21 (5) expenses required to develop and maintain all information  
22 necessary to properly inform call takers as to location address, type of emergency, and  
23 other information directly relevant to the 911 call-taking and transferring function,  
24 including automatic location identification and automatic number identification  
25 databases.

26 (j) If a city in an enhanced 911 service area established by a borough incurs  
27 costs described under (i) of this section for the enhanced 911 system, before the  
28 borough may use revenue from an enhanced 911 surcharge, the borough and city must  
29 execute an agreement addressing the duties and responsibilities of each for the  
30 enhanced 911 system and establishing priorities for the use of the surcharge revenue.  
31 If the Department of Public Safety also provides services as part of the enhanced 911

1 system or uses the enhanced 911 system in that enhanced 911 service area, the  
2 department must be a party to the agreement.

3 (k) For purposes of (i) of this section, "call taker" means a person employed in  
4 a primary or secondary answering point whose duties include the initial answering of  
5 911 or enhanced 911 calls and routing the calls to the agency or dispatch center  
6 responsible for dispatching appropriate emergency services and a person in a primary  
7 or secondary answering point whose duties include receiving a 911 or enhanced 911  
8 call either directly or routed from another answering point and dispatching appropriate  
9 emergency services in response to the call; the term "call taker" is synonymous with  
10 the term "dispatcher" in that it is inclusive of the functions of both answering the 911  
11 or enhanced 911 calls and dispatching emergency services in response to the calls.

12 \* **Sec. 4.** AS 29.35 is amended by adding a new section to read:

13 **Sec. 29.35.134. Multi-line telephone systems.** A municipality may by  
14 ordinance elect to require an enhanced 911 system from a multi-line telephone system.  
15 A multi-line telephone system operator must arrange to update the automatic location  
16 identification database with an appropriate master street address guide, valid address,  
17 and callback number for each multi-line telephone system telephone, so that the  
18 location information specifies the emergency response location of the caller. A multi-  
19 line telephone system operator is considered to be in compliance with this section  
20 when the multi-line telephone system complies with enhanced 911 generally accepted  
21 industry standards as defined by the Regulatory Commission of Alaska. For purposes  
22 of this section,

23 (1) "callback number" means a number used by the public safety  
24 answering point to re-contact the location from which a 911 call is placed; the number  
25 may or may not be the number of the station used to originate the 911 call;

26 (2) "emergency response location" means the location to which a 911  
27 emergency response team may be dispatched that is specific enough to provide a  
28 reasonable opportunity for the emergency response team to quickly locate a caller  
29 anywhere within it;

30 (3) "master street address guide" means a database of formatted street  
31 names, numerical addresses or address ranges, and other parameters defining valid

1 locations and emergency services zones, and their associated emergency services  
2 numbers, that enables the proper routing and response to 911 calls;

3 (4) "multi-line telephone system" means a system made up of common  
4 control units, telephone sets, and control hardware and software, including network  
5 and premises based systems such as Centrex and PBX, Hybrid, and Key Telephone  
6 Systems, as classified by the Federal Communications Commission under Part 68  
7 Requirements, and including systems owned or leased by governmental agencies or  
8 nonprofit entities, as well as for profit entities;

9 (5) "multi-line telephone system operator" means an entity that owns,  
10 leases, or rents from a third party, and operates a multi-line telephone system through  
11 which a caller may place a 911 call through a public switched network.

12 \* **Sec. 5.** AS 29.35 is amended by adding a new section to read:

13 **Sec. 29.35.138. Application.** AS 29.35.131 - 29.35.137 apply to home rule  
14 and general law municipalities.

15 \* **Sec. 6.** AS 29.35.131(h) is repealed.





HON. TOGIOLA T.A. TULAFONO,  
Governor

HON. FAOA T. SUNIA  
Lt. Governor

**DEPARTMENT OF PUBLIC SAFETY**  
**AMERICAN SAMOA GOVERNMENT**  
P.O Box 1086, Pago Pago, American Samoa 96799  
Telephone: (684) 633-1111 \* Fax No.: (684) 633-7296

Office Of The Commissioner



HTC TUAOLO M. E. FRUEAN  
Commissioner

LESEIAU V. LAUMOLI  
Acting Deputy Commissioner

Thomas J. Beers

Chief, Policy Division  
Public Safety and Homeland Security Bureau  
Federal Communications Commission

**Serial No:072**

Ref: OMB Control Number 3060-1122

Subject: Information Collection Mandated By the New and Emerging Technologies  
Improvement Act of 2008

Dear Mr. Beers:

On behalf of the American Samoa Government, I am responding in regards to your Second  
Notice on the above subject. Please accept my apologies for the delay in responding.

The American Samoa Government is a single seat government with no other jurisdiction, county  
or district to deal with. All our 911 calls are handled by the Department of Public Safety (DPS)  
Central Dispatch. Emergency Medical Service (EMS) which handles ambulance services is a  
division of DPS. Therefore, we do not collect nor charge anyone for 911 services.

I hope the information provided will be helpful in any future effort to collect this type of  
information from us. If you have any questions concerning the information provided, please  
contact me at (684) 633-1111

Sincerely,

HTC Tuaolo M. E. Fruean  
Commissioner

CC: Governor

JANICE K. BREWER  
GOVERNOR



DAVID RABER  
INTERIM DIRECTOR

**ARIZONA DEPARTMENT OF ADMINISTRATION**

OFFICE OF THE DIRECTOR  
100 North Fifteenth Ave., Suite 401  
PHOENIX, ARIZONA 85007  
(602) 542-1500

March 18, 2010

James Arden Barnett, Jr., Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, DC 85007

Re: Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008

Dear Mr. Barnett, Jr.,

On behalf of the State of Arizona, this response is being submitted as mandated by the New and Emerging Technologies Improvement Act of 2008. The information provided details the status of the collection and distribution of such 9-1-1 fees or charges and including findings on the amount of revenues obligated or expended by the State or political subdivision for any other purpose for which any such fees or charges are specified.

Upon review of the Report to Congress on the State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, submitted pursuant to Public Law No. 110-283, on July 22, 2009, information from the State of Arizona's report of March 23, 2009 was not included. Under Section III, Discussion, Item C. (Use of 911/E911 Fees and Charges to Fund Programs Other Than 911/E911 Services), subsection 14, five states reported that they used money collected for 911/E911 to assist in closing the state's general fund deficit. The State of Arizona reported that during the annual period ending December 31, 2008, \$25.1 million dollars of funds in the Emergency Telecommunications Services (911) fund were transferred to the State of Arizona General Fund to offset the State deficit, but that information was not included in the report.

Item 1, 2 & 3

The State of Arizona established enabling legislation in 1985 for the purpose of implementing and supporting 9-1-1 services and activities within the State. Arizona Revised Statutes, A.R.S. Title 42, Chapter 1, Article 8, Emergency Services Excise Tax stipulates that a tax is levied on every telecommunication provider after June 30, 2008, twenty cents per month for each activated wire (including VoIP) and wireless service account for the purpose of financing emergency telecommunication services.

Each provider shall state on the invoice to customers a separate line item stating the amount of tax levied pursuant to this section. Also, each provider shall remit monthly to the Arizona Department of Revenue the amount of tax due pursuant to section 42-5252, accompanied by an information return as prescribed by the department.

The Department of Revenue shall deposit, all monies remitted pursuant to this article in the Emergency Telecommunication Services Revolving Fund.

A.R.S§ Title 41, Emergency Telecommunications Service; Administration; revolving fund identifies that the The Director of the Arizona Department of Administration shall adopt rules and procedures for administering and disbursing monies deposited in the emergency telecommunication services revolving fund, and at least quarterly review and approve requests by political subdivisions of the state for payment for operating emergency telecommunication service systems.

This fund shall be used for necessary or appropriate equipment or service for implementing and operating emergency telecommunication services through political subdivisions of this state. Priority shall be given to establishing emergency telecommunication services in those areas of the state that are without emergency telecommunications services.

The fund can also be used for necessary or appropriate administrative costs or fees for consultants' services, not to exceed three per cent of the amounts deposited annually in the revolving fund. Effective September 29, 2009, the Department may use up to two-thirds of the five per cent of the amounts deposited annually in the revolving fund for administrative costs. The remainder of the five per cent may be allocated for local network management of contracts with Public Safety Answering Points for emergency telecommunication services.

The fund shall also be used for monthly recurring costs of emergency telecommunication services, including expenditures for capital, maintenance and operating purposes, as well as a wireless carrier's costs associated with the provision, development, design, construction and maintenance of the wireless emergency telecommunication services in an amount that the wireless carrier has not recovered through the deduction mechanism specified in federal law.

At the end of each fiscal year, any unexpended monies in the fund, including interest, shall be carried over and do not revert to the general fund but shall be applied to the extent possible to reduce the levy under section 42-5252 for the following year.

## Item 2

As noted in the previous response, a tax is levied on every telecommunication provider after June 30, 2008, twenty cents per month for each activated wire (including VoIP) and wireless service account for the purpose of financing emergency telecommunication services is identified in A.R.S§ Title 42, Chapter 1, Article 8, Emergency Services Excise Tax.

Under Arizona Revised Statutes, ninety-eight percent of the revolving fund is identified for the explicit purpose of emergency telecommunications services (9-1-1).

A.R.S§ Title 41, Emergency Telecommunications Service; Administration; revolving fund stipulates that the Director of Department of Administration will establish rules and procedures for the administering and disbursement of funds.

The Arizona Department of Administration has established under Arizona Administrative Code – Department of Administration the rules that govern the disbursement of funds out of the revolving fund. Title 2, Chapter 1, Article 4 Emergency Telecommunications Services Revolving Fund outlines the rules and procedures for funding eligibility by political sub-divisions in the state. The components necessary for development of a 9-1-1 Service Plan, include the R2-1-402 Establishment of a 9-1-1 planning committee, R2-1-403 Submission of the Service Plan, R2-1-404 Certificate of Service Plan Approval, R2-1-405 Resubmitting the Service Plan, R2-1-406 Modification of an approved plan, R2-1-407 system design standards, R2-1-408, 9-1-1 Operational requirements, R2-1-409 Funding eligibility, R2-1-410 Method of reimbursement and R2-1-411, Allocation of funds.

The amount of fees/tax collected and remitted to the State for the annual period ending December 31, 2009 was \$17,460,160. The amount of the interest derived from fees/tax during the same time period was \$417,178. The total amount of program income for the period was \$17,877,388.

During the annual period ending December 31, 2010, expenditures were rendered in the amount of \$19,902,414 for capital, maintenance, operating purposes, wireless carrier's costs as well as administrative costs associated with emergency telecommunication services.

Item 3

Under A.R.S. Title 41, the Director of the Arizona Department of Administration has the authority to approve the expenditures of funds collected for 911 or E911 purposes. The State 9-1-1 Office annually reviews a budget for each political subdivision eligible for funding from the program fund. A detailed review of equipment, network and other approved costs is completed and funding approval is provided to the political subdivision. No funds are disbursed to the political subdivisions directly with the exception of the two percent for local network management of contracts with Public Safety Answering Points for emergency telecommunication services.

All invoices for eligible emergency telecommunication services are reviewed by the State 9-1-1 Office staff for accuracy and payment rendered directly from the Emergency Telecommunications Services revolving fund for the implementation and support of 9-1-1 or Enhanced 9-1-1.

Item 4

All funds collected for 9-1-1 or Enhanced 9-1-1 purposes have been made available or used for the purposes designed by the funding mechanism as stipulated in Arizona Revised Statutes, or otherwise used for the implementation or support of 9-1-1 or Enhanced 9-1-1 with the exception of the \$8,655,700 identified in Item 5.

Item 5

Under Arizona Senate Bill 1001, a transfer of \$8,655,700 of funds out of the Emergency Telecommunication Services revolving fund was authorized on December 23, 2009. These funds are to be transferred to the State of Arizona General Fund to offset the State budget deficit.

Item 6

Since the inception of the State 9-1-1 Program, more than \$208,863,308 has been used to further the development of 9-1-1 and Enhanced 9-1-1 in Arizona. This program continues to ensure the 100+ eligible political subdivisions are provided every opportunity to upgrade equipment and adequately address network needs for their communities.

The submittal of this document is in accordance with the Federal Communications Commission (FCC) OMB Control Number 3060-1122.

Should you have any questions, please contact me at 602-542-1500 or Barbara Jaeger, the State 9-1-1 Administrator at 602-542-0911.

Sincerely,



David Raber  
Interim Director

c: Governor Janice K. Brewer



STATE OF ARKANSAS

MIKE BEEBE  
GOVERNOR

March 23, 2010

James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Dear Admiral Barnett

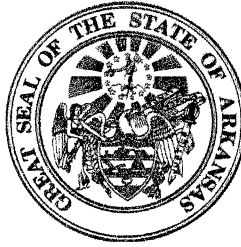
Pursuant to your letter requesting information about Arkansas's 911 funding mechanisms, I have enclosed responses to the numbered items that were sent to us. I hope that it contains all of the necessary information and that you will feel free to call on me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe", written over a horizontal line.

Mike Beebe

MB:jb



## STATE OF ARKANSAS

MIKE BEEBE  
GOVERNOR

### Responses to FCC Questionnaire Re 911 Funding

**Question 1:** A statement as to whether or not your State, or any political subdivision, Indian tribe, village or regional corporation therein as defined by Section 6(f)(1) of the NET 911 Act, has established a funding mechanism designated for or imposed for the purpose of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

Response to Question 1: Arkansas has adopted a mechanism for funding 911 and E911 service. Those specific provisions are set forth in Ark. Code Ann. §§12-10-301 et seq.

**Question 2:** The amount of the fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009. A statement describing how the funds collected are made available to the localities, and whether your state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

**Response to Question 2:** The amount of the fees or charges imposed is set forth in Ark. Code Ann. §12-10-318. The fees for local exchange carriers are between 4% and 12% of the monthly rate for the service for each access line. The fees for wireless providers are \$0.40 per month per connection that has a primary use within the state of Arkansas. The Commission does not have any information regarding the amounts collected during calendar year 2009. Possible sources for that information may include the Department of Finance and Administration, the Arkansas Association of Counties, or each of the seventy-five counties individually. Arkansas has established written criteria regarding the allowable uses of the collected funds. The allowable uses of the funds are defined in Ark. Code Ann. §§12-10-301 et seq.

**Question 3:** A statement identifying the entity in your State that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911. (Legislative Audit may also audit the use of the 911 and E911 charges).

**Response to Question 3:** The entity in Arkansas that has the authority to approve the expenditure of funds collected for 911 or E911 service is the Quorum Court of each of

the seventy-five counties in Arkansas. The oversight of the funds rests with each Quorum Court and is governed by the provisions of Ark. Code Ann. §§12-10-301 et seq.

**Question 4:** A statement whether the funds collected for 911 or E911 purposes have been made available or used for the purpose designated by the funding mechanism, or otherwise used for the implementation or support of 911 or E911.

**Response to Question 4:** The funds collected for 911 or E911 have been used for that purpose. Pursuant to Ark. Code Ann. §§12-10-301 et seq., those funds must be used for that purpose.

**Question 5:** A statement identifying what amount of funds collected for 911 and E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement identifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

**Response to Question 5:** The funds collected for 911 or E911 have been used for that purpose. Pursuant to Ark. Code Ann. §§12-10-301 et seq., those funds must be used for that purpose.

**Question 6:** Any other comments you may wish to provide regarding the applicable funding mechanism for 911 or E911.

**Response to Question 6:** No further comment is provided.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Midwest Regional Office  
Bishop Henry Whipple Federal Building  
One Federal Drive, Room 550  
Ft. Snelling, Minnesota 55111

MAR 22 2010



IN REPLY REFER TO:  
Regional Director

James Arden Barnett, Jr.  
Rear Admiral (Ret.)  
Chief, Public Safety and Homeland Security Bureau  
Federal Communications Commission  
Washington, DC 20554

Dear Mr. Barnett, Jr.:

This is in reply to your request which was received in our office on March 8, 2010 requesting:

Initial Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008 or referenced as PS Docket No. 09-14.

The Midwest Region, Bureau of Indian Affairs works in conjunction with the federally recognized tribes of Iowa, Michigan, Minnesota and Great Lakes. We have contacted each tribe and have found that none of these entities collect 911 fees. Several of the tribes do pay these fees through their telephone service providers and some have agreements with the counties in which their reservations lie to provide the services.

Thank you for the opportunity to provide comments on this issue. If you have any questions, please contact me at 612-725-4505.

Sincerely,

*Diane K. Rosen*  
Regional Director





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

IN REPLY REFER TO:

Office of the Regional Director

APR 22 2010

Thomas J. Beers  
Chief, Policy Division  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Subject: Information Collection Mandated BY the New and Emerging Technologies  
Improvement Act of 2008 (NET 911 Act)  
OMB Control Number: 3060-1122

Dear Mr. Beers:

We are in receipt of the public notice dated February 5, 2010, requesting data on fees collected in connection with 911/E911 services under the NET 911 Act with respect to federally recognized Tribes in the Eastern Region.

The Bureau of Indian Affairs, Eastern Region does not have any jurisdiction over the Tribe's in connection with the 911/E911 services, and as a result do not collect any such fees. These 911/E911 services would be rendered and reported by the states in which these Tribes are located.

Should you have any questions, please feel free to contact me, at 615-564-6500.

Sincerely,

**ACTING**

Director, Eastern Region

09-0691  
G00-10-03382

Division of Environmental,  
Safety and Cultural Resources Management

MAR 23 2010

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Dear Ms. Dortch:

On March 9, 2010, the Bureau of Indian Affairs, Eastern Oklahoma Region, Eastern Oklahoma Regional Office (EORO), received a notice from the Federal Communications Commission (FCC), concerning PS Docket No. 09-14, a request for information with respect to fees and charges in connection with the implementation of 911 or E911 services. The EORO neither provides nor supports either service within its jurisdiction.

If additional information is required, please contact Ms. Jonna Polk, Division Chief, Division of Environmental, Safety and Cultural Resources Management, EORO, at (918) 781-4660.

Respectfully,

(Sgd.) Bobby G. Coleman

ACTING

Regional Director

Enclosure

- A statement as to whether or not the state or other entity as defined by section 6(f)(1) of the NET 911 Act has established a funding mechanism designated for or imposed for the purposes of 911 or E911 support or implementation (including a citation to the legal authority for such mechanism).

*No agency under the direction of BIA that responded runs a 911 or E911 system. They are usually run by the state or local county.*

- The amount of fees or charges imposed for the implementation and support of 911 and E911 services, and the total amount collected pursuant to the assessed fees or charges, for the annual period ending December 31, 2009.

*BIA has not collected any funds for the implementation, or support of any 911 or E911 system.*

- A statement describing how the funds collected are made available to localities, and whether the state has established written criteria regarding the allowable uses of the collected funds, including the legal citation to such criteria.

*This section does not apply, BIA would have no way of addressing what the state does with funds, or how it is collected.*

- A statement identifying any entity in the state that has the authority to approve the expenditure of funds collected for 911 or E911 purposes, and a description of any oversight procedures established to determine that collected funds have been made available or used for the purposes designated by the funding mechanism, or otherwise used to implement or support 911 or E911.

*Again, as BIA has no known 911 or E911 system that is run by us exclusively, we would have no way of addressing this.*

- A statement whether all the funds collected for 911 or E911 purposes have been made available or used for the purposes designated by the funding mechanism, or otherwise used for the implantation or support of 911 or E911.

*To our knowledge those funds collected by the state or local county were made available and have been used to run the 911 or E911 systems.*

- A statement identifying what amount of funds collected for 911 or E911 purposes were made available or used for any purposes other than the ones designated by the funding mechanism or used for purposes otherwise unrelated to 911 or E911 implementation or support, including a statement indentifying the unrelated purposes for which the funds collected for 911 or E911 purposes were made available or used.

*This question would be better answered by the state or local counties that run them.*

- Any other comments the respondent may wish to provide regarding the applicable funding mechanism for 911 and E911.

*Generally speaking Indian country does not have their own 911 system, and those agencies that do have access are usually run by an outside entity (i.e. state, nearby county). For example, Winnebago agency has access to a 911 system, and it is run by Thurston county. Residents in Thurston county are charged 1.00 through the phone system by the county to pay for it. Menominee in Wisconsin has a sort of speed dial*

*system set up, when someone dials 911, it speed dials the regular number, so it is not a true 911 system.*

*If there are any questions or concerns, please do not hesitate to call.*

*Marcus Babbitt*

*Acting Assistant Special Agent in Charge*

*Office 605-226-7347*

*Cell 701-471-9541*



IN REPLY REFER TO:

# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Pacific Regional Office  
2800 Cottage Way Rm. W-2820  
Sacramento, California 95825

APR 29 2010

Thomas J. Beers  
Chief, Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

RE: OMB Control Number 3060-1122 (SECOND NOTICE)

Dear Mr. Beers:

The Pacific Regional Office of the Bureau of Indian Affairs (PRO-BIA) would like to respond to your mandatory information request in the undated letter we recently received from your office (Enclosure). Unfortunately, the copy of your "attached" original letter was missing. Because a response form/template was not included with your letter, we are using the February 5, 2010, Public Notice as the basis for our response. The bulleted information request in the Public Notice is not numbered, so we have numbered the bullets 1-7 for your convenience.

The response for this Region is as follows:

1. The Pacific Regional Office has not established such a funding mechanism.
2. None.
3. No such funds are being collected.
4. Not applicable.
5. Not applicable.
6. Not applicable.
7. Your office requires this information each year for its Annual Report to Congress in accordance with NET 911. For future information requests, please state your informational needs more clearly and please provide a standardized form or template for responses. Your estimated time requirement per response is listed as 10-50 hours. This unreasonable burden imposed upon tribal governments can be significantly reduced by clarifying your request and by providing a standardized e-form for an e-response by tribes.

If you have any questions, please call Jay Hinshaw, Regional Emergency Management Coordinator, at (916) 978-6021, or John Rydzik, Chief, Division of Environmental and Cultural Resources Management and Safety (DECRMS), at (916) 978-6051.

Sincerely,

Acting Regional Director

Enclosure





Federal Communications Commission  
Washington, D.C. 20554

Date R 10  
T ✓  
Amy D ✓  
Repl 4-27-10

RECEIVED BIA  
2010 APR 19 PM 4:55

Approved by OMB

3060-1122

Expires: January 31, 2012

Estimated time per response: 10-50 hours

Director Amy Dutschke  
BIA, Pacific Region  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825

PACIFIC REGIONAL  
OFFICE

Reg Dir ✓  
Dep Reg Dir ✓  
Reg Adm Ofc ✓  
Route NK/DECRMS  
Response Required ✓  
Due Date 4/27/10  
Memo ✓  
Tele ✓  
John Jay Hirsch

Subject: SECOND NOTICE – Information Collection Mandated By the New and Emerging Technologies Improvement Act of 2008

Dear Director Dutschke:

The New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act) requires the Federal Communications Commission to report to Congress annually regarding the collection and expenditure of fees or charges established by the states or other jurisdictions in connection with 911/enhanced 911 (E911) services. Specifically, the Commission must obtain information “detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.”<sup>1</sup> The Commission will include in its annual report a list of reporting entities that responded to this information request, as well as a list of reporting entities that did not. The second annual report is due to Congress by July 22, 2010.

The FCC’s Public Safety and Homeland Security Bureau issued a Public Notice on February 5, 2010 and thereafter mailed letters seeking this information to the governors of all the states, including the District of Columbia and U.S. Territories, and to regional offices of the Bureau of Indian Affairs. These letters requested a response by March 23, 2010.

As of the date of this letter, we have not yet heard from your office, or from an office replying on your behalf. In order to ensure that we are in full receipt of the information required by the NET 911 Act, we ask that you submit your response as soon as possible, but no later than April 30, 2010. For your convenience, we attach a copy of the Commission’s Public Notice as well as a copy of the original letter mailed to your office. Please file this information with the Commission in the manner described in the original letter.

<sup>1</sup> *Id.* at §6(f)(2). Section 6(f)(1) of the NET 911 Act affirms the ability of “[a] State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended ...” to collect fees or charges “[applicable] to commercial mobile services or IP-enabled voice services ... for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 and enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.” NET 911 Act at §6(f)(1).